

Exhibit 7

Transcript of the Testimony of

Frank G. Fox, Ph.D.

Date: 9/12/2022

C.P. vs BLUE CROSS BLUE SHIELD OF ILLINOIS



Phone: (425) 866-4250
production@nelsonreporters.com
www.nelsonreporters.com

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF WASHINGTON
3 AT TACOMA

4 C.P., by and through his)
5 parents, PATRICIA PRITCHARD)
6 AND NOLLE PRITCHARD; and)
7 PATRICIA PRITCHARD,)
8) NO. 3:20-cv-06145-RJB
9)
10)
11)
12)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)

11 REMOTE
12 VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION OF
13 FRANK G. FOX, Ph.D.
14 September 12, 2022

15 Taken remotely
16 Witness location: Seattle, Washington

17
18
19
20 KATIE J. NELSON, RPR, CCR #2971
21 NELSON COURT REPORTERS, INC.
22 6513 132nd Avenue NE, #184
23 Kirkland, Washington 98033
24 (425) 866-4250
25 katie@nelsonreporters.com

Frank G. Fox, Ph.D.
9/12/2022

1 A P P E A R A N C E S

2 FOR THE PLAINTIFFS:

3 ELEANOR HAMBURGER
4 SIRIANNI YOUTZ SPOONEMORE HAMBURGER
5 3101 Western Avenue, Suite 350
Seattle, Washington 98121
(206) 223-0303
ehamburger@sylaw.com

7 OMAR GONZALEZ-PAGAN
8 LAMBDA LEGAL DEFENSE AND EDUCATION
FUND, INC.
9 120 Wall Street, 19th Floor
New York, New York 10005-3919
ogonzalez-pagan@lambdalegal.org

10
11 FOR THE DEFENDANT:

12 GWENDOLYN C. PAYTON
13 KILPATRICK TOWNSEND & STOCKTON LLP
14 1420 5th Avenue, Suite 3700
Seattle, Washington 98101
(206) 467-9600
gpayton@kilpatricktownsend.com

16 ALSO PRESENT:

17 Bryan Gaver, Videographer

18
19
20
21
22
23
24
25

Frank G. Fox, Ph.D.
9/12/2022

1 FRANK G. FOX, Ph.D. - September 12, 2022

2 I N D E X

3
4 EXAMINATION BY: Page(s)

5 Atty. Payton 5

6
7
8 * * *

9
10 EXHIBITS FOR IDENTIFICATION:

11 Exhibit 1 Declaration of Frank G. Fox 15

12 Exhibit 2 Amended Deposition Notice 23

13 Exhibit 3 Quinn Study 72

14 Exhibit 4 Williams Institute study 79

15
16
17
18
19
20
21
22
23
24
25

Frank G. Fox, Ph.D.
9/12/2022

1 Q. (By Atty. Payton) I'm sorry, I didn't hear your
2 answer.

3 A. On net, they go up.

4 Q. Do you know that because you performed the
5 calculation with the correct data set?

6 A. That's correct.

7 Q. Okay. Did you produce that to counsel?

8 A. No, I did not.

9 Q. Do you intend to?

10 A. If so asked.

11 Q. So essentially, your Table 4 is outdated, right?

12 In Exhibit 1?

13 A. That would be correct.

14 Q. It needs to be updated with the correct data?

15 A. It needs -- if we wanted to update to 2022 Williams
16 Institute figures, that would be updated, yes.

17 Q. Hold on a second, because I want to close out that
18 issue. So I'm jumping ahead, because I was going to get to
19 that later. Bear with me a moment. I'm finding where in my
20 outline I wanted to talk about that discrepancy.

21 Dr. Fox, was that just a mistake?

22 ATTY. HAMBURGER: Object as to form.

23 THE WITNESS: I don't know that I would
24 characterize it as a mistake. We received the -- or we
25 obtained the 2022 Williams report after I initially prepared

Frank G. Fox, Ph.D.
9/12/2022

1 Q. (By Atty. Payton) I'm sorry, I didn't hear your
2 answer.

3 A. On net, they go up.

4 Q. Do you know that because you performed the
5 calculation with the correct data set?

6 A. That's correct.

7 Q. Okay. Did you produce that to counsel?

8 A. No, I did not.

9 Q. Do you intend to?

10 A. If so asked.

11 Q. So essentially, your Table 4 is outdated, right?
12 In Exhibit 1?

13 A. That would be correct.

14 Q. It needs to be updated with the correct data?

15 A. It needs -- if we wanted to update to 2022 Williams
16 Institute figures, that would be updated, yes.

17 Q. Hold on a second, because I want to close out that
18 issue. So I'm jumping ahead, because I was going to get to
19 that later. Bear with me a moment. I'm finding where in my
20 outline I wanted to talk about that discrepancy.

21 Dr. Fox, was that just a mistake?

22 ATTY. HAMBURGER: Object as to form.

23 THE WITNESS: I don't know that I would
24 characterize it as a mistake. We received the -- or we
25 obtained the 2022 Williams report after I initially prepared